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Attorneys for Plaintiff OWEN DIAZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**DECLARATION OF LAWRENCE A.
ORGAN IN SUPPORT OF PLAINTIFF
OWEN DIAZ'S ISSUE BRIEF
REGARDING ADMISSIBILITY OF
KEVIN MCGINN'S TESTIMONY**

Trial date: September 27, 2021
Complaint filed: October 16, 2017

1 I, Lawrence A. Organ, declare:

2 1. I am an attorney of record for Plaintiff Owen Diaz. I make this declaration based
3 on my personal knowledge. If called to do so, I could and would testify to the following.

4 2. My office noticed the deposition of former Defendant NextSource, Inc.'s
5 ("NextSource") person most knowledgeable pursuant to Federal Rule of Civil Procedure
6 30(b)(6). An amended notice was served on the parties on April 25, 2019.

7 3. On June 13, 2019, I received NextSource's objections to the amended notice. A
8 true and correct copy of NextSource's objections is attached hereto and marked as **Exhibit 1**.

9 4. NextSource identified Kevin McGinn as the person most knowledgeable as to
10 certain topics identified in the notice.

11 5. On June 17, 2019, I took Mr. McGinn's deposition.
12

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct. Executed on the 26th of September, 2021.
15

16 By: /s/ Lawrence A. Organ
17 Lawrence A. Organ, Esq.
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EXHIBIT 1

JASON A. GELLER (SBN 168149)
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Attorneys for Defendant
nextSource, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES,
INC.; NEXTSOURCE, INC.; DOES 1-50
inclusive,

Defendants.

Case No: 3:17-CV-06748-WHO
[Removed from Alameda Superior Court, Case No.
RG17878854]

**DEFENDANT NEXTSOURCE, INC.'S
OBJECTIONS TO PLAINTIFFS' FIRST
AMENDED NOTICE OF VIDEOTAPED
DEPOSITION OF NEXTSOURCE, INC.'S
PERSON MOST KNOWLEDGEABLE
PURSUANT TO FED. R. CIV. P. 30(B)(6);
AND REQUEST FOR PRODUCTION OF
DOCUMENTS**

Dates: June 17, 2019
Time: 10:00 a.m.
Place: California Civil Rights Law Group
332 San Anselmo Ave.
San Anselmo, CA 94960

Trial Date: November 28, 2019

Pursuant to Rules 26(b)(1) and 30 of the Federal Rules of Civil Procedure, Defendant
NEXTSOURCE, INC. ("Defendant") provides the following objections to Plaintiffs' First Notice
of Videotaped Depositions of nextSource, Inc.'s Person Most Knowledgeable ("Notice") and
Request for Production of Documents.

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GENERAL OBJECTIONS AND QUALIFICATIONS

1. Defendant generally objects to the Request to the extent it purports to impose obligations on it in excess of those required by Rule 30 of the Federal Rules of Civil Procedure. Defendant's response is governed by Rules 26 and 30 of the Federal Rules of Civil Procedure and other applicable law, and not by the instructions, definitions, or other prefatory remarks stated in the Notice.

2. Defendant objects to each and every individual matter of examination to the extent that it seeks testimony as to matters that are irrelevant to any party's claim or defense as permitted by Federal Rule of Civil Procedure 26(b)(1).

3. Defendant further objects to each and every individual matter of examination to the extent that it seeks discovery that is overbroad such that the burden and expense of producing such information outweighs its likely benefit as provided by Federal Rule of Civil Procedure 26(b)(2).

4. Defendant further objects to each and every individual matter of examination to the extent that it states matters for examination without reasonably particularity as required by Federal Rule of Civil Procedure 30(b)(6).

The foregoing objections and qualifications are incorporated by this reference into each and all of the following responses to which they are applicable, as though fully set forth therein.

Subject to the foregoing general objections, Defendant hereby responds to each subject matter ("matter") identified in the Notice as follows:

I. OBJECTIONS TO TOPICS TO BE THE SUBJECT OF EXAMINATION

SUBJECT MATTER NO. 1:

The contractual relationship between DEFENDANT and Tesla, Inc.

RESPONSE TO SUBJECT MATTER NO. 1:

Defendant objects to this matter for examination as the terms "contractual relationship" are vague, ambiguous and uncertain. Defendant objects to this matter to the extent that this category of examination seeks confidential, proprietary and/or trade secret information. Further, the matter is not limited in time and scope. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable as to the general nature of the relationship

1 between Defendant and Tesla, Inc.

2 **SUBJECT MATTER NO. 2:**

3 The contractual relationship between DEFENDANT and Citistaff Solutions, Inc.

4 **RESPONSE TO SUBJECT MATTER NO. 2:**

5 Defendant objects to this matter for examination as the terms “contractual relationship” are
6 vague, ambiguous and uncertain. Defendant objects to this matter to the extent that this category
7 of examination seeks confidential, proprietary and/or trade secret information. Further, the matter
8 is not limited in time and scope. Subject to and without waiving the foregoing objections,
9 Defendant will produce its person most knowledgeable as to the general nature of the relationship
10 between Defendant and CitiStaff Solutions, Inc.

11 **SUBJECT MATTER NO. 3:**

12 The contractual relationship between DEFENDANT and West Valley Staffing Group, Inc.

13 **RESPONSE TO SUBJECT MATTER NO. 3:**

14 Defendant objects to this matter for examination as the terms “contractual relationship” are
15 vague, ambiguous and uncertain. Defendant objects to this matter to the extent that this category
16 of examination seeks confidential, proprietary and/or trade secret information. Further, the matter
17 is not limited in time and scope. Subject to and without waiving the foregoing objections,
18 Defendant is unable to produce a person most knowledgeable on this matter, as Defendant did not
19 have a relationship with West Valley Staffing Group, Inc.

20 **SUBJECT MATTER NO. 4:**

21 DEFENDANT’S POLICIES and PROCEDURES related to race harassment in effect from
22 2014 to present.

23 **RESPONSE TO SUBJECT MATTER NO. 4:**

24 Defendant objects to this matter for examination as the term “race harassment” is vague,
25 ambiguous, uncertain, and unintelligible. Defendant objects to this matter on the grounds that it is
26 overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs
27 of the case; particularly because this matter seeks examination on policies and procedures in effect
28 during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California,

1 and as neither Plaintiffs nor other staffing agency workers (“contractors”) placed at the Tesla
2 factory in Fremont, California, were Defendant’s employees and, as such, its policies and
3 procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited
4 in time, scope, or geographic location. Subject to and without waiving the foregoing objections,
5 Defendant will produce its person most knowledgeable concerning the policies and procedures
6 applicable to its employees in effect during the relevant time period.

7 **SUBJECT MATTER NO. 5:**

8 DEFENDANT’S POLICIES and PROCEDURES RELATED to race discrimination in
9 effect from 2014 to present.

10 **RESPONSE TO SUBJECT MATTER NO. 5:**

11 Defendant objects to this matter for examination as the term “race discrimination” is vague,
12 ambiguous, uncertain, and unintelligible. Defendant objects to this matter on the grounds that it is
13 overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs
14 of the case; particularly because this matter seeks examination on policies and procedures in effect
15 during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California,
16 and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California,
17 were Defendant’s employees and, as such, its policies and procedures would be inapplicable to
18 them. Further, the matter lacks foundation and is not limited in time, scope, or geographic location.
19 Subject to and without waiving the foregoing objections, Defendant will produce its person most
20 knowledgeable concerning the policies and procedures applicable to its employees in effect during
21 the relevant time period.

22 **SUBJECT MATTER NO. 6:**

23 DEFENDANT’S POLICIES and PROCEDURES RELATED to investigating complaints
24 of claims of race harassment in effect from 2014 to present.

25 **RESPONSE TO SUBJECT MATTER NO. 6:**

26 Defendant objects to this matter for examination as the terms “investigating complaints”
27 and “race harassment” are vague, ambiguous, uncertain, and unintelligible. Defendant objects to
28 this matter on the grounds that it is overbroad and seeks information not relevant to claims or

defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant's employees and, as such, its policies and procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited in time, scope, or geographic location. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

SUBJECT MATTER NO. 7:

DEFENDANT'S POLICIES and PROCEDURES RELATED to investigating complaints of race discrimination in effect from 2014 to present.

RESPONSE TO SUBJECT MATTER NO. 7:

Defendant objects to this matter for examination as the terms "investigating complaints" and "race discrimination" are vague, ambiguous, uncertain, and unintelligible. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant's employees and, as such, its policies and procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited in time, scope, or geographic location. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

SUBJECT MATTER NO. 8:

DEFENDANT'S communication(s) to its EMPLOYEES of POLICIES and PROCEDURES RELATED TO race harassment from 2014 to present.

RESPONSE TO SUBJECT MATTER NO. 8:

Defendant objects to this matter for examination as the terms "communication(s)" and

“race harassment” are vague, ambiguous, uncertain, and unintelligible. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees and, as such, its policies and procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited in time, scope, or geographic location. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

SUBJECT MATTER NO. 9:

DEFENDANT’S communications(s) to its EMPLOYEES of POLICIES and PROCEDURES RELATED TO race discrimination from 2014 to present.

RESPONSE TO SUBJECT MATTER NO. 9:

Defendant objects to this matter for examination as the terms “communication(s)” and “race discrimination” are vague, ambiguous, uncertain, and unintelligible. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees and, as such, its policies and procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited in time, scope, or geographic location. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

SUBJECT MATTER NO. 10:

Any anti-harassment, anti-discrimination, and/or anti-retaliation training that was provided by YOU to YOUR employees at the TESLA FACTORY since 2014.

RESPONSE TO SUBJECT MATTER NO. 10:

Defendant objects to this matter for examination as the terms “training”, “anti-discrimination” and “anti-retaliation” are vague, ambiguous and uncertain. Further, the matter is not limited in time and scope. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning any formal training on employment harassment, discrimination and retaliation in employment provided to its employees at the Tesla factory in Fremont, California during the relevant time period.

SUBJECT MATTER NO. 11:

Any anti-harassment, anti-discrimination and/or anti-retaliation training materials, practices and/or guidelines YOU provided to YOUR employees and/or supervisors and/or managers since 2014.

RESPONSE TO SUBJECT MATTER NO. 11:

Defendant objects to this matter for examination as the terms ““anti-harassment,” anti-discrimination,” “anti-retaliation” “training materials,” “practices” and “guidelines” are vague, ambiguous and uncertain. Further, the matter is not limited in time, scope, or geographic location. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning formal training documents provided to its employees at the Tesla factory in Fremont, California during the relevant time period.

SUBJECT MATTER NO. 12:

Any investigation(s) YOU conducted in response to PLAINTIFFS’ complaint(s) of race harassment.

RESPONSE TO SUBJECT MATTER NO. 12:

Defendant objects to this matter for examination as the terms ““investigation(s),” “conducted,” and “race harassment” are vague, ambiguous and uncertain. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter lacks foundation and is not limited in scope. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the review of the allegations by Defendant in

1 response to the complaint of alleged race harassment made by Plaintiff Owen Diaz while at the
 2 Tesla factory in Fremont, California during the relevant time period.

3 **SUBJECT MATTER NO. 13:**

4 The circumstances (who, what, where, when, how, and why) of any investigation
 5 conducted by DEFENDANT into Plaintiffs' claims of race harassment.

6 **RESPONSE TO SUBJECT MATTER NO. 13:**

7 Defendant objects to this matter for examination as the terms "circumstances" and
 8 "investigation," and "race harassment" are vague, ambiguous and uncertain. Defendant further
 9 objects to the extent this category of examination seeks information protected by the attorney-
 10 client privilege and/or attorney work product doctrine. Further, the matter lacks foundation and is
 11 not limited in scope. Subject to and without waiving the foregoing objections, Defendant will
 12 produce its person most knowledgeable concerning the review of the allegations by Defendant in
 13 response to the complaint of alleged race harassment made by Plaintiff Owen Diaz while at the
 14 Tesla factory in Fremont, California during the relevant time period

15 **SUBJECT MATTER NO. 14:**

16 The results of any investigation(s) conducted by DEFENDANT into PLAINTIFFS' claims
 17 of race harassment.

18 **RESPONSE TO SUBJECT MATTER NO. 14:**

19 Defendant objects to this matter for examination as the terms "investigation(s)" and "race
 20 harassment" are vague, ambiguous and uncertain. Defendant further objects to the extent this
 21 category of examination seeks information protected by the attorney-client privilege and/or
 22 attorney work product doctrine. Further, the matter lacks foundation and is not limited in scope.
 23 Subject to and without waiving the foregoing objections, Defendant will produce its person most
 24 knowledgeable concerning the review of the allegations by Defendant in response to any complaint
 25 of alleged race harassment made by Plaintiff Owen Diaz while at the Tesla factory in Fremont,
 26 California during the relevant time period.

27 **SUBJECT MATTER NO. 15:**

28 What action, if any, was taken by DEFENDANT as a result of its investigation(s) into

1 PLAINTIFFS' claims of race harassment.

2 **RESPONSE TO SUBJECT MATTER NO. 15:**

3 Defendant objects to this matter for examination as the terms "action," "investigation(s),"
4 and "race harassment" are vague, ambiguous and uncertain. Defendant further objects to the extent
5 this category of examination seeks information protected by the attorney-client privilege and/or
6 attorney work product doctrine. Further, the matter lacks foundation and is not limited in scope.
7 Subject to and without waiving the foregoing objections, Defendant will produce its person most
8 knowledgeable concerning the review of the allegations by Defendant in response to the complaint
9 of alleged race harassment made by Plaintiff Owen Diaz while at the Tesla factory in Fremont,
10 California during the relevant time period.

11 **SUBJECT MATTER NO. 16:**

12 YOUR policies and procedures RELATED to disciplining employees.

13 **RESPONSE TO SUBJECT MATTER NO. 16:**

14 Defendant objects to this matter for examination as the terms "policies," "procedures" and
15 "disciplining" are vague, ambiguous and uncertain. Defendant objects to this matter on the grounds
16 that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to
17 the needs of the case; particularly because this matter seeks examination on policies and procedures
18 in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont,
19 California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont,
20 California, were Defendant's employees and, as such, its policies and procedures would be
21 inapplicable to them. Further, the matter is not limited in time, scope, or geographic location.
22 Defendant will not produce a witness to testify on this matter based on the foregoing objections.

23 **SUBJECT MATTER NO. 17:**

24 YOUR policies and procedures RELATED TO investigating allegations or complaints of
25 race harassment or discrimination by contractors working at your factory in Fremont, California.

26 **RESPONSE TO SUBJECT MATTER NO. 17:**

27 Defendant objects to this matter for examination as the terms "policies," "procedures,"
28 "investigating," "allegations," "race harassment" "discrimination" and "your factory in Fremont,"
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California” are vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees and, as such, its policies and procedures would be inapplicable to them. Further, Defendant did not own, operate, or control the Tesla factory in Fremont, California. Defendant also objects to this matter as not limited in time or scope. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

SUBJECT MATTER NO. 18:

YOUR policies and procedures for your contractors to ensure that they enforce your anti-harassment, anti-discrimination, or anti-retaliation policies and procedures for their employees working at your factory in Fremont, California.

RESPONSE TO SUBJECT MATTER NO. 18:

Defendant objects to this matter for examination as the terms “your contractors,” “policies,” “procedures,” “ensure,” “anti-harassment,” “anti-discrimination,” “their employees” and “your factory in Fremont, California” are vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees and, as such, its policies and procedures would be inapplicable to them. Further, Defendant did not own, operate, or control the Tesla factory in Fremont, California. Defendant also objects to this matter as not limited in time or scope. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable to concerning the policies and procedures applicable to its

employees in effect during the relevant time period.

SUBJECT MATTER NO. 19:

YOUR policies and procedures for ensuring that workers who are working at your Fremont, California factory are not subjected to harassment, discrimination, or retaliation.

RESPONSE TO SUBJECT MATTER NO. 19:

Defendant objects to this matter for examination as the terms “policies,” “procedures,” “workers,” “ensuring,” “your factory in Fremont, California,” “harassment,” “discrimination, and “retaliation” are vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Defendant did not own, operate, or control the Tesla factory in Fremont, California. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

SUBJECT MATTER NO. 20:

Plaintiff Owen Diaz’s work performance during his employment at the TESLA FACTORY (including but not limited to his work performance reviews and attendance).

RESPONSE TO SUBJECT MATTER NO. 20:

Defendant objects to this matter for examination as the terms “work performance” and “employment” are vague, ambiguous and uncertain. The subject matter is not relevant to claims or defenses and/or proportional to the needs of the case as Defendant was not Plaintiff Owen Diaz’s employer and was not responsible for managing his performance. Further, the matter is not limited in scope. Defendant will not produce a witness to testify on this matter based on the foregoing objections.

SUBJECT MATTER NO. 21:

Plaintiff Demetric Di-az’s work performance during his employment at the TESLA FACTORY (including but not limited to his work performance reviews and attendance).

RESPONSE TO SUBJECT MATTER NO. 21:

Defendant objects to this matter for examination as the terms “work performance” and

1 “employment” are vague, ambiguous, uncertain, and unintelligible. The subject matter is not
 2 relevant to claims or defenses and/or proportional to the needs of the case as Defendant was not
 3 Plaintiff Demetric Di-az’s employer and was not responsible for managing his performance.
 4 Further, the matter is not limited in scope. Defendant will not produce a witness to testify on this
 5 matter based on the foregoing objections.

6 **SUBJECT MATTER NO. 22:**

7 The circumstances (who, what, where, when, how and why) of DEFENDANT’s past
 8 record of acting on race harassment complaints from 2010 to the present.

9 **RESPONSE TO SUBJECT MATTER NO. 22:**

10 Defendant objects to this matter for examination as the terms “past record,”
 11 “circumstances,” “acting,” and “race harassment” are vague, ambiguous and uncertain. It is overly
 12 broad, burdensome, and oppressive. Further, the matter is not limited in time, scope, or geographic
 13 location. The subject matter is not relevant to claims or defenses and/or proportional to the needs
 14 of the case and it seeks inadmissible “me too” evidence. Finally, the subject matter seeks testimony
 15 regarding Defendant’s current and former employees in violation of the privacy rights of third
 16 parties as guaranteed by the California and United States Constitutions. Defendant will not produce
 17 a witness to testify on this matter based on the foregoing objections.

18 **SUBJECT MATTER NO. 23:**

19 For the period from 2010 to the present, the circumstances (who, what, where, when, how
 20 and why) of any civil actions filed against DEFENDANT or DEFENDANT’s employee by another
 21 employee claiming that they were the victim of race harassment, including but not limited to the
 22 use of “nigger” or “nigga” in the workplace, or that DEFENDANT failed to take reasonable steps
 23 to prevent harassment from occurring, including (a) the name, address, and telephone number of
 24 each employee who filed the action; (b) the court, names of the parties, and case number of the
 25 civil action; (c) state the name, address, and telephone number of any attorney representing each
 26 employee; (d) whether the action has been resolved or is pending.

27 **RESPONSE TO SUBJECT MATTER NO. 23:**

28 Defendant objects to this matter for examination as the terms “circumstances,” “civil
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actions,” “acting,” and “race harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant to claims or defenses and/or proportional to the needs of the case and as it seeks inadmissible “me too” evidence. Finally, the subject matter seeks testimony regarding Defendant’s current and former employees in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Defendant will not produce a witness to testify on this matter based on the foregoing objections.

SUBJECT MATTER NO. 24:

The facts supporting DEFENDANT’s claim, if so, that it took reasonable steps to prevent and correct workplace race harassment from 2014 to present.

RESPONSE TO SUBJECT MATTER NO. 24:

Defendant objects to this matter for examination as the terms “supporting,” “claim” “reasonable steps,” “correct,” and “race harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Further, the matter is not limited in time, scope, or geographic location. The subject matter not relevant to claims or defenses and/or proportional to the needs of the case and as it seeks inadmissible “me too” evidence. This matter is not proper for deposition as it seeks a party contention. Defendant will not produce a witness to testify on this matter based on the foregoing objections.

SUBJECT MATTER NO. 25:

The facts supporting DEFENDANT’S claim, if so, that PLAINTIFFS unreasonably failed to use DEFENDANT’s anti-harassment complaint procedures.

RESPONSE TO SUBJECT MATTER NO. 25:

Defendant objects to this matter for examination as the terms “supporting,” “unreasonably failed” and “anti-harassment complaint procedures” are vague, ambiguous and uncertain. It is overly broad, burdensome, and oppressive. Further, the matter is not limited in time, scope, or geographic location. Defendant objects to this matter on the grounds that it seeks information not

1 relevant to claims or defenses and/or proportional to the needs of the case; particularly as neither
2 Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were
3 Defendant's employees and, as such, its policies would be inapplicable to them. This matter is not
4 proper for deposition as it seeks a party contention. Defendant will not produce a witness to testify
5 on this matter based on the foregoing objections.

6 **SUBJECT MATTER NO. 26:**

7 The details of DEFENDANT's anti-harassment complaint procedures from 2014 to
8 present.

9 **RESPONSE TO SUBJECT MATTER NO. 26:**

10 Defendant objects to this matter for examination as the terms "details," and "anti-
11 harassment complaint procedures" are vague, ambiguous and uncertain. Defendant further objects
12 to the extent this category of examination seeks information protected by the attorney-client
13 privilege and/or attorney work product doctrine. Defendant objects to this matter on the grounds
14 that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to
15 the needs of the case; particularly because this matter seeks examination on procedures in effect
16 during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California,
17 and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California,
18 were Defendant's employees and, as such, its procedures would be inapplicable to them. Further,
19 the matter is not limited in scope or geographic location. Subject to and without waiving the
20 foregoing objections, Defendant will produce its person most knowledgeable concerning the
21 procedure for making complaints of alleged unlawful harassment applicable to its employees in
22 effect during the relevant time period.

23 **SUBJECT MATTER NO. 27:**

24 The facts supporting DEFENDANT's claim, if so, that DEFENDANT provided
25 preventative and corrective measures for claims of race harassment from 2014 to present.

26 **RESPONSE TO SUBJECT MATTER NO. 27:**

27 Defendant objects to this matter for examination as the terms "preventative and corrective
28 measures" and "race harassment" are vague, ambiguous and uncertain. Further, the matter lacks

foundation and is not limited in time, scope, or geographic location. This matter is not proper for deposition as it seeks a party contention. Defendant will not produce a witness to testify on this matter based on the foregoing objections.

SUBJECT MATTER NO. 28:

What type of conduct DEFENDANT considered to be unlawful race harassment from 2014 through 2016.

RESPONSE TO SUBJECT MATTER NO. 28:

Defendant objects to this matter for examination as the terms “conduct” and “unlawful race harassment” are vague, ambiguous and uncertain. It is overly broad, burdensome, and oppressive. Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees and, as such, its policies and procedures would be inapplicable to them. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Defendant objects to this matter for examination as it calls for an opinion and a legal conclusion. Defendant will not produce a witness to testify on this matter based on the foregoing objections.

SUBJECT MATTER NO. 29:

The facts supporting DEFENDANT’s claim, if so, that the reasonable use of its procedures would have prevented some or all of PLAINTIFFS’ harm.

RESPONSE TO SUBJECT MATTER NO. 29:

Defendant objects to this matter for examination as the terms “reasonable use” “procedures” and “harm” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees and, as such, its procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited in time, scope, or

1 geographic location. This matter is not proper for deposition as it seeks a party contention.
2 Defendant will not produce a witness to testify on this matter based on the foregoing objections.

3 **SUBJECT MATTER NO. 30:**

4 Any racial harassment complaints made against Ramon Martinez and received by YOU.

5 **RESPONSE TO SUBJECT MATTER NO. 30:**

6 Defendant objects to this matter for examination as the term “racial harassment
7 complaints” is vague, ambiguous and uncertain. It is overly broad, burdensome, and oppressive.
8 Further, the matter is not limited in time, scope, or geographic location. Defendant objects to this
9 matter on the grounds that it seeks information not relevant to claims or defenses and/or
10 proportional to the needs of the case; particularly because Ramon Martinez was not an employee
11 of Defendant. Subject to and without waiving the foregoing objections, Defendant will produce its
12 person most knowledgeable concerning Plaintiff Owen Diaz’s complaint against Ramon Martinez
13 to the extent that information about such a complaint was received by Defendant during the
14 relevant time period.

15 **SUBJECT MATTER NO. 31:**

16 Any racial harassment complaints of race harassment received by YOU involving Ramon
17 Martinez.

18 **RESPONSE TO SUBJECT MATTER NO. 31:**

19 Defendant objects to this matter for examination as the terms “racial harassment complaints
20 of race harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad,
21 burdensome, and oppressive. Further, the matter lacks foundation and is not limited in time, scope,
22 or geographic location. Defendant objects to this matter on the grounds that it seeks information
23 not relevant to claims or defenses and/or proportional to the needs of the case; particularly because
24 Ramon Martinez was not an employee of Defendant. Subject to and without waiving the foregoing
25 objections, Defendant will produce its person most knowledgeable concerning Plaintiff Owen
26 Diaz’s complaint against Ramon Martinez to the extent that information about such a complaint
27 was received by Defendant during the relevant time period.

SUBJECT MATTER NO. 32:

Any discipline issued to Ramon Martinez as a result of Plaintiff Owen Diaz's complaint of race harassment.

RESPONSE TO SUBJECT MATTER NO. 32:

Defendant objects to this matter for examination as the terms "discipline" and "complaint of race harassment" are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Further, the matter is not limited in time, scope, or geographic location. Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Ramon Martinez was not an employee of Defendant. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable to testify concerning discipline issued to Ramon Martinez due to Plaintiff Owen Diaz's complaint against Ramon Martinez to the extent that information was made available to Defendant

SUBJECT MATTER NO. 33:

Any discipline issued to Ramon Martinez as a result of complaints of racial harassment that YOU received.

RESPONSE TO SUBJECT MATTER NO. 33:

Defendant objects to this matter for examination as the terms "discipline" and "complaints of racial harassment" are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Further, the matter is not limited in time, scope, or geographic location. Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Ramon Martinez was not an employee of Defendant. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable to testify concerning discipline issued to Ramon Martinez due to Plaintiff Owen Diaz's complaint against Ramon Martinez to the extent that information was made available to Defendant

SUBJECT MATTER NO. 34:

Any complaints of racial harassment that YOU received involving Ed Romero.

RESPONSE TO SUBJECT MATTER NO. 34:

Defendant objects to this matter for examination as the terms “complaints of racial harassment” are vague, ambiguous and uncertain. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

SUBJECT MATTER NO. 35:

Any discipline issued to Ed Romero as a result of complaints of racial harassment that YOU received.

RESPONSE TO SUBJECT MATTER NO. 35:

Defendant objects to this matter for examination as the terms “discipline” and “complaints of racial harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

SUBJECT MATTER NO. 36:

Any complaints of racial harassment that YOU received involving Javier Caballero.

RESPONSE TO SUBJECT MATTER NO. 36:

Defendant objects to this matter for examination as the term “complaints of racial harassment” is vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks

1 information protected by the attorney-client privilege and/or attorney work product doctrine.
2 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not
3 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in
4 violation of the privacy rights of third parties as guaranteed by the California and United States
5 Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing
6 objections.

7 **SUBJECT MATTER NO. 37:**

8 Any discipline issued to Javier Caballero as a result of any complaints of racial harassment
9 that YOU received.

10 **RESPONSE TO SUBJECT MATTER NO. 37:**

11 Defendant objects to this matter for examination as the terms “discipline” and “complaints
12 racial harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad,
13 burdensome, and oppressive. Defendant further objects to the extent this category of examination
14 seeks information protected by the attorney-client privilege and/or attorney work product doctrine.
15 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not
16 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in
17 violation of the privacy rights of third parties as guaranteed by the California and United States
18 Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing
19 objections.

20 **SUBJECT MATTER NO. 38:**

21 Any complaints of racial harassment that YOU received involving Judy Timbreza.

22 **RESPONSE TO SUBJECT MATTER NO. 38:**

23 Defendant objects to this matter for examination as the term “complaints of racial
24 harassment” is vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome,
25 and oppressive. Defendant further objects to the extent this category of examination seeks
26 information protected by the attorney-client privilege and/or attorney work product doctrine.
27 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not
28 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in

1 violation of the privacy rights of third parties as guaranteed by the California and United States
2 Constitutions. Subject to and without waiving the foregoing objections, Defendant is unable to
3 produce a person most knowledgeable on this matter, as Defendant is not aware of complaints of
4 racial harassment involving Judy Timbreza and Mr. Timbreza was not Defendant's employee.

5 **SUBJECT MATTER NO. 39:**

6 Any discipline issued to Judy Timbreza as a result of any complaints of racial harassment
7 YOU received.

8 **RESPONSE TO SUBJECT MATTER NO. 39:**

9 Defendant objects to this matter for examination as the terms "discipline" and "complaints
10 of racial harassment" are vague, ambiguous, uncertain, and unintelligible. It is overly broad,
11 burdensome, and oppressive. Defendant further objects to the extent this category of examination
12 seeks information protected by the attorney-client privilege and/or attorney work product doctrine.
13 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not
14 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in
15 violation of the privacy rights of third parties as guaranteed by the California and United States
16 Constitutions. Subject to and without waiving the foregoing objections, Defendant is unable to
17 produce a person most knowledgeable on this matter, as Defendant is not aware of complaints of
18 racial harassment involving Judy Timbreza and Mr. Timbreza was not Defendant's employee.

19 **SUBJECT MATTER NO. 40:**

20 Any complaints of racial harassment that YOU received involving Robert Hidalgo.

21 **RESPONSE TO SUBJECT MATTER NO. 40:**

22 Defendant objects to this matter for examination as the term "complaints of racial
23 harassment" is vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome,
24 and oppressive. Defendant further objects to the extent this category of examination seeks
25 information protected by the attorney-client privilege and/or attorney work product doctrine.
26 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not
27 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in
28 violation of the privacy rights of third parties as guaranteed by the California and United States

1 Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing
2 objections.

3 **SUBJECT MATTER NO. 41:**

4 Any discipline issued to Robert Hidalgo as a result of any complaints of racial harassment
5 YOU received.

6 **RESPONSE TO SUBJECT MATTER NO. 41:**

7 Defendant objects to this matter for examination as the terms “discipline” and “complaints
8 of racial harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad,
9 burdensome, and oppressive. Defendant further objects to the extent this category of examination
10 seeks information protected by the attorney-client privilege and/or attorney work product doctrine.
11 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not
12 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in
13 violation of the privacy rights of third parties as guaranteed by the California and United States
14 Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing
15 objections.

16 **SUBJECT MATTER NO. 42:**

17 Any complaints of racial harassment that YOU received from Michael Wheeler.

18 **RESPONSE TO SUBJECT MATTER NO. 42:**

19 Defendant objects to this matter for examination as the term “complaints of racial
20 harassment” is vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome,
21 and oppressive. Defendant further objects to the extent this category of examination seeks
22 information protected by the attorney-client privilege and/or attorney work product doctrine.
23 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not
24 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in
25 violation of the privacy rights of third parties as guaranteed by the California and United States
26 Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing
27 objections.

SUBJECT MATTER NO. 43:

Any discipline issued to Michael Wheeler following his complaints of racial harassment.

RESPONSE TO SUBJECT MATTER NO. 43:

Defendant objects to this matter for examination as the terms “discipline” and “complaints of racial harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony regarding in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

SUBJECT MATTER NO. 44:

Any discipline issued to other employees as a result of any complaints of racial harassment from Michael Wheeler.

RESPONSE TO SUBJECT MATTER NO. 44:

Defendant objects to this matter for examination as the terms “discipline” and “complaints of racial harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

SUBJECT MATTER NO. 45:

The reason Demetric Di-az’s employment at the TESLA FACTORY was terminated.

RESPONSE TO SUBJECT MATTER NO. 45:

Defendant objects to this matter for examination as the terms “employment” and “terminated” are vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Demetric Di-az was not an employee of Defendant. Subject to and without waiving the foregoing objections, Defendant is unable to produce a person most knowledgeable on this matter, as Defendant is not aware of the reason’s Demetric Di-Az’s assignment at the Tesla factory in Fremont, California, ended.

SUBJECT MATTER NO. 46:

The reason Owen Diaz’s employment at the TESLA FACTORY ended.

RESPONSE TO SUBJECT MATTER NO. 46:

Defendant objects to this matter for examination as the term “employment” is vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Plaintiff Owen Diaz was not an employee of Defendant. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the end of Plaintiff Owen Diaz’s assignment at the Tesla factory in Fremont, California, to the extent that information was made available to Defendant.

SUBJECT MATTER NO. 47:

Any race harassment complaints or concerns made against Javier Caballero by Plaintiff Demetric Di-Az, and received by YOU.

RESPONSE TO SUBJECT MATTER NO. 47:

Defendant objects to this matter for examination as the term “race harassment” and “complaints or concerns” are vague, ambiguous and uncertain. . Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Plaintiff Demetric Di-az was not an employee of Defendant. Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Subject to and without

1 waiving the foregoing objections, Defendant is unable to produce a person most knowledgeable
2 on this matter, as Defendant is not aware of complaints of race harassment by Plaintiff Demetric
3 Di-Az against Javier Caballero.

4 **SUBJECT MATTER NO. 48:**

5 Any discipline issued to Javier Caballero as a result of Plaintiff Demetric Di-Az's
6 complaint of race harassment.

7 **RESPONSE TO SUBJECT MATTER NO. 48:**

8 Defendant objects to this matter for examination as the term "discipline" and "complaints
9 race harassment" is vague, ambiguous and uncertain. . Defendant objects to this matter on the
10 grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs
11 of the case; particularly because Plaintiff Demetric Di-Az was not an employee of Defendant.
12 Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as
13 guaranteed by the California and United States Constitutions. Subject to and without waiving the
14 foregoing objections, Defendant is unable to produce a person most knowledgeable on this matter,
15 as Defendant is not aware of complaints of race harassment by Plaintiff Demetric Di-Az against
16 Javier Caballero.

17 **SUBJECT MATTER NO. 49:**

18 YOUR policies, practices and procedures for promoting employees.

19 **RESPONSE TO SUBJECT MATTER NO. 49:**

20 Defendant objects to this matter for examination as the terms "policies," "practices,"
21 "procedures" and "promoting" are vague, ambiguous and uncertain. Defendant objects to this
22 matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses
23 and/or proportional to the needs of the case; particularly because neither Plaintiffs nor other
24 contractors placed at the Tesla factory in Fremont, California, were Defendant's employees and,
25 as such, its policies, practices, and procedures for promoting employees would be inapplicable to
26 them. Further, the matter is not limited in time, scope, or geographic location. Defendant will not
27 produce a witness on this matter on the basis of the foregoing objections.

SUBJECT MATTER NO. 50:

Any salary, hourly wage, bonus, other remuneration and all fringe benefits PLAINTIFFS received during their employment with YOU, and to which PLAINTIFFS would have been entitled and/or eligible had PLAINTIFFS' employment with YOU continued.

RESPONSE TO SUBJECT MATTER NO. 50:

Defendant objects to this matter for examination as the term "salary," "hourly wage," "bonus," "other remuneration," and "fringe benefits" is vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Plaintiffs were not Defendant's employees and not entitled to any such benefits. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

SUBJECT MATTER NO. 51:

The most senior employee of DEFENDANT as to proper procedures for performing a race harassment investigation at Tesla, Inc.'s Fremont location from 2014 through 2016.

RESPONSE TO SUBJECT MATTER NO. 51:

Defendant objects to this matter for examination as the terms "most senior," "proper procedures," "performing," and "race harassment investigation" is vague, ambiguous and uncertain. Further, Defendant objects to this matter for examination on the grounds that it is not a proper topic for examination. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

SUBJECT MATTER NO. 52:

What was done with the evidence gathered during the investigation of PLAINTIFFS' claims of race harassment.

RESPONSE TO SUBJECT MATTER NO. 52:

Defendant objects to this matter for examination as the terms "evidence," "investigation," and "PLAINTIFF'S claims of race harassment" are vague, ambiguous and uncertain. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning information it received about the complaint made by Plaintiff Owen

1 Diaz of race harassment at the Tesla factory in Fremont, California.

2 **SUBJECT MATTER NO. 53:**

3 How much money YOU spent each year from 2010 to the present in connection with
4 training YOUR employees at the FREMONT FACTORY on YOUR race harassment policies,
5 practices and procedures.

6 **RESPONSE TO SUBJECT MATTER NO. 53:**

7 Defendant objects to this matter for examination as the terms “training” and “race
8 harassment policies, practices and procedures” are vague, ambiguous and uncertain. Defendant
9 objects to this matter on the grounds that it is overbroad and seeks information not relevant to
10 claims or defenses and/or proportional to the needs of the case; particularly because this matter
11 seeks examination about matters during periods of times that Plaintiffs did not work at the Tesla
12 factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla
13 factory in Fremont, California, were Defendant’s employees. Defendant further objects to this
14 matter for examination on the grounds that it seeks confidential and proprietary business
15 information, in violation of Defendant’s right to financial privacy. Defendant will not produce a
16 witness on this matter on the basis of these objections.

17 **SUBJECT MATTER NO. 54:**

18 How much money YOU spent each year from 2010 to the present in connection with
19 training YOUR employees at the FREMONT FACTORY on YOUR race discrimination policies,
20 practices and procedures.

21 **RESPONSE TO SUBJECT MATTER NO. 54:**

22 Defendant objects to this matter for examination as the terms “training” and “race
23 harassment policies, practices and procedures” are vague, ambiguous and uncertain. Defendant
24 objects to this matter on the grounds that it is overbroad and seeks information not relevant to
25 claims or defenses and/or proportional to the needs of the case; particularly because this matter
26 seeks examination about matters during periods of times that Plaintiffs did not work at the Tesla
27 factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla
28 factory in Fremont, California, were Defendant’s employees. Defendant further objects to this

1 matter for examination on the grounds that it seeks confidential and proprietary business
 2 information, in violation of Defendant's right to financial privacy. Defendant will not produce a
 3 witness on this matter on the basis of these objections.

4 **SUBJECT MATTER NO. 55:**

5 How much money YOU spent each year from 2010 to the present in connection with
 6 training YOUR employees at the FREMONT FACTORY on YOU assault/battery policies,
 7 practices and procedures.

8 **RESPONSE TO SUBJECT MATTER NO. 55:**

9 Defendant objects to this matter for examination as the terms "training" and "race
 10 assault/battery policies, practices and procedures" are vague, ambiguous and uncertain. Defendant
 11 objects to this matter on the grounds that it is overbroad and seeks information not relevant to
 12 claims or defenses and/or proportional to the needs of the case; particularly because this matter
 13 seeks examination about matters during periods of times that Plaintiffs did not work at the Tesla
 14 factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla
 15 factory in Fremont, California, were Defendant's employees. Defendant further objects to this
 16 matter for examination on the grounds that it seeks confidential and proprietary business
 17 information, in violation of Defendant's right to financial privacy. Defendant will not produce a
 18 witness on this matter on the basis of these objections.

19 **SUBJECT MATTER NO. 56:**

20 How much time YOU spent investigating PLAINTIFF's allegations against Ramon
 21 Martinez.

22 **RESPONSE TO SUBJECT MATTER NO. 56:**

23 Defendant objects to this matter for examination as the term "allegations" is vague,
 24 ambiguous and uncertain. Defendant objects to this matter on the grounds that it is overbroad and
 25 seeks information not relevant to claims or defenses and/or proportional to the needs of the case;
 26 particularly because Ramon Martinez was not an employee of Defendant. Subject to and without
 27 waiving the foregoing objections, Defendant is unable to produce a person most knowledgeable
 28 on this matter, as time reviewing Plaintiff Owen Diaz's allegations against Ramon Martinez was

1 not tracked.

2 **SUBJECT MATTER NO. 57:**

3 How much money YOU spent to train Ramon Martinez on YOUR race harassment
4 policies, practices and procedures.

5 **RESPONSE TO SUBJECT MATTER NO. 57:**

6 Defendant objects to this matter for examination as the term “race harassment policies,
7 practices and procedures” is vague, ambiguous and uncertain. Defendant objects to this matter on
8 the grounds that it seeks information not relevant to claims or defenses and/or proportional to the
9 needs of the case; particularly because Ramon Martinez was not an employee of Defendant.
10 Defendant further objects to this matter for examination on the grounds that it seeks confidential
11 and proprietary business information, in violation of Defendant’s right to financial privacy. .
12 Subject to and without waiving the foregoing objections, Defendant is unable to produce a person
13 most knowledgeable on this matter, as Ramon Martinez was not an employee of Defendant.

14 **SUBJECT MATTER NO. 58:**

15 How much money YOU spent to train Ramon Martinez on YOUR race discrimination
16 policies, practices and procedures.

17 **RESPONSE TO SUBJECT MATTER NO. 58:**

18 Defendant objects to this matter for examination as the term “train” and “race
19 discrimination policies, practices and procedures” is vague, ambiguous and uncertain. Defendant
20 objects to this matter on the grounds that it seeks information not relevant to claims or defenses
21 and/or proportional to the needs of the case; particularly because Ramon Martinez was not an
22 employee of Defendant. Defendant further objects to this matter for examination on the grounds
23 that it seeks confidential and proprietary business information, in violation of Defendant’s right to
24 financial privacy. . Subject to and without waiving the foregoing objections, Defendant is unable
25 to produce a person most knowledgeable on this matter, as Ramon Martinez was not an employee
26 of Defendant.

27 **SUBJECT MATTER NO. 59:**

28 How much money YOU spent to train Ramon Martinez on YOUR assault/battery policies,

1 practices and procedures.

2 **RESPONSE TO SUBJECT MATTER NO. 59:**

3 Defendant objects to this matter for examination as the term “train” and “assault/battery
4 policies, practices and procedures” is vague, ambiguous and uncertain. Defendant objects to this
5 matter on the grounds that it seeks information not relevant to claims or defenses and/or
6 proportional to the needs of the case; particularly because Ramon Martinez was not an employee
7 of Defendant. Defendant further objects to this matter for examination on the grounds that it seeks
8 confidential and proprietary business information, in violation of Defendant’s right to financial
9 privacy. . Subject to and without waiving the foregoing objections, Defendant is unable to produce
10 a person most knowledgeable on this matter, as Ramon Martinez was not an employee of
11 Defendant.

12 **SUBJECT MATTER NO. 60:**

13 Information RELATED to which PERSONS or entities, including third-party entities, that
14 participated in any manner (including preparing, reviewing, revising or authorizing training
15 materials and literature, training guides, web-based training services, or any other involvement
16 with any such training) in training employees on YOUR race harassment, race discrimination and
17 assault/battery policies, procedures and practices.

18 **RESPONSE TO SUBJECT MATTER NO. 60:**

19 Defendant objects to this matter for examination as the terms “Information RELATED to
20 which PERSONS,” “third-party entities,” “participated,” “training,” “race harassment, race
21 discrimination, and assault/battery policies, procedures and practices” are vague, ambiguous, and
22 uncertain. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent
23 this category of examination seeks information protected by the attorney-client privilege and/or
24 attorney work product doctrine. Defendant objects to this matter on the grounds that it is overbroad,
25 without limitation in scope or time, and seeks information not relevant to claims or defenses and/or
26 proportional to the needs of the case; particularly because this matter seeks examination on policies
27 and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory,
28 in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in

1 Fremont, California, were Defendant's employees and, as such, its policies and procedures would
 2 be inapplicable to them. Defendant will not produce a witness on this matter on the basis of these
 3 objections.

4 **SUBJECT MATTER NO. 61:**

5 Identify the average length of employment of a Production Associate (whether direct hires
 6 or through contracting agencies) at the TESLA FACTORY.

7 **RESPONSE TO SUBJECT MATTER NO. 61:**

8 Defendant objects to this Matter on the ground that the terms "average length of
 9 employment" and "Production Associate" is vague and ambiguous. The Matter is not limited in
 10 time and scope and is compound. Defendant objects to this matter on the grounds that it is
 11 overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs
 12 of the case; particularly because neither Plaintiffs nor other contractors placed at the Tesla factory
 13 in Fremont, California, were Defendant's employees and because Plaintiff Owen Diaz, who, as
 14 Defendant understands, is the only plaintiff asserting claims against Defendant, worked there as
 15 an elevator operator. Defendant will not produce a witness on this matter on the basis of these
 16 objections.

17 **SUBJECT MATTER NO. 62:**

18 How much money YOU have spent each year from 2010 to the present on stopping the use
 19 of "nigger" and/or "nigga" at the FREMONT FACTORY.

20 **RESPONSE TO SUBJECT MATTER NO. 62:**

21 Defendant objects to this Matter on the ground that the terms "stopping the use" is vague
 22 and ambiguous. Defendant objects to this matter on the grounds that it is overbroad and seeks
 23 information not relevant to claims or defenses and/or proportional to the needs of the case;
 24 particularly because this matter seeks examination on matters during periods of times that Plaintiffs
 25 did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other
 26 contractors placed at the Tesla factory in Fremont, California, were Defendant's employees.
 27 Further, Defendant did not own, operate, or control the Tesla factory in Fremont, California.
 28 Defendant further objects to this matter for examination on the grounds that it seeks confidential

1 and proprietary business information, in violation of Defendant's right to financial privacy.
2 Defendant will not produce a witness on this matter on the basis of these objections.

3 **SUBJECT MATTER NO. 63:**

4 What steps YOU have taken to prevent the use of "nigger" and/or "nigga" at the
5 FREMONT FACTORY.

6 **RESPONSE TO SUBJECT MATTER NO. 63:**

7 Defendant objects to this Matter on the ground that the term "steps" is vague and
8 ambiguous. Defendant objects to this matter on the grounds that it is overbroad, without limitation
9 in time, and seeks information not relevant to claims or defenses and/or proportional to the needs
10 of the case; particularly because Defendant did not own, operate, or control the Tesla factory in
11 Fremont, California. Subject to and without waiving the foregoing objections, Defendant will
12 produce its person most knowledgeable concerning the policies and procedures against harassment
13 and discrimination applicable to its employees in effect during the relevant time period.

14 **SUBJECT MATTER NO. 64:**

15 The total amount of money YOU have spent training employees at the FREMONT
16 FACTORY on issues relating to race harassment and/or discrimination in each of the years
17 between 2010 and present.

18 **RESPONSE TO SUBJECT MATTER NO. 64:**

19 Defendant objects to this Matter on the ground that the terms "training," and "race
20 harassment and/or discrimination" are vague and ambiguous. Defendant objects to this matter on
21 the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or
22 proportional to the needs of the case; particularly because this matter seeks examination on matters
23 during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California,
24 and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California,
25 were Defendant's employees. Further, Defendant did not own, operate, or control the Tesla factory
26 in Fremont, California. Defendant further objects to this matter for examination on the grounds
27 that it seeks confidential and proprietary business information, in violation of Defendant's right to
28 financial privacy. Defendant will not produce a witness on this matter on the basis of these

1 objections.

2 **SUBJECT MATTER NO. 65:**

3 The amount of money YOU spend on average per year per employee training employees
4 at the FREMONT FACTORY on issues relating to race harassment and/or discrimination for each
5 of the years between 2010 and present.

6 **RESPONSE TO SUBJECT MATTER NO. 65:**

7 Defendant objects to this Matter on the ground that the terms “training,” and “race
8 harassment and/or discrimination” are vague and ambiguous. Defendant objects to this matter on
9 the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or
10 proportional to the needs of the case; particularly because this matter seeks examination on matters
11 during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California,
12 and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California,
13 were Defendant’s employees. Further, Defendant did not own, operate, or control the Tesla factory
14 in Fremont, California. Defendant further objects to this matter for examination on the grounds
15 that it seeks confidential and proprietary business information, in violation of Defendant’s right to
16 financial privacy. Defendant will not produce a witness on this matter on the basis of these
17 objections.

18 **SUBJECT MATTER NO. 66:**

19 The total amount of time each year that YOU require supervisors and/or leads at the
20 FREMONT FACTORY to spend training on issues relating to race harassment and/or
21 discrimination for each of the years between 2010 and present.

22 **RESPONSE TO SUBJECT MATTER NO. 66:**

23 Defendant objects to this Matter on the ground that the terms “supervisors and/or leads,”
24 “training,” and “race harassment and/or discrimination” are vague and ambiguous. Defendant
25 objects to this matter on the grounds that it is overbroad and seeks information not relevant to
26 claims or defenses and/or proportional to the needs of the case; particularly because this matter
27 seeks examination on matters during periods of times that Plaintiffs did not work at the Tesla
28 factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla

1 factory in Fremont, California, were Defendant's employees and as such were not supervised by
2 Defendant's employees. Subject to and without waiving the foregoing objections, Defendant will
3 produce its person most knowledgeable concerning its expectation of time spent training by its
4 employees during the relevant time period.

5 **SUBJECT MATTER NO. 67:**

6 Discipline of employees who have violated YOUR race harassment and/or discrimination
7 policies.

8 **RESPONSE TO SUBJECT MATTER NO. 67:**

9 Defendant objects to this Matter on the ground that the terms "discipline," and "race
10 harassment and/or discrimination policies" are vague and ambiguous. Defendant objects to this
11 matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses
12 and/or proportional to the needs of the case; particularly because neither Plaintiffs nor other
13 contractors placed at the Tesla factory in Fremont, California, were Defendant's employees and,
14 as such, its policies would be inapplicable to them. Finally, the subject matter seeks testimony in
15 violation of the privacy rights of third parties as guaranteed by the California and United States
16 Constitutions. Defendant will not produce a witness on this matter on the basis of these objections.

17 **SUBJECT MATTER NO. 68:**

18 YOUR current financial condition.

19 **RESPONSE TO SUBJECT MATTER NO. 68:**

20 Defendant objects to this Matter on the ground that the terms "current financial condition"
21 are vague and ambiguous. Defendant further objects to this matter for examination on the grounds
22 that it seeks confidential and proprietary business and financial information, in violation of
23 Defendant's right to financial privacy. Defendant will not produce a witness on this matter on the
24 basis of these objections.

25 ///

26 ///

27 ///

28 ///

II. OBJECTIONS TO THE REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Any and all DOCUMENTS reviewed by the deponent in preparation for their deposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Objection. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.

REQUEST FOR PRODUCTION NO. 2:

Please produce all DOCUMENTS, including (though not limited to) text messages, e-mails, notes, and memoranda, which RELATE to, refer to, or discuss Plaintiff Owen Diaz.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous. Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE to, refer to or discuss Plaintiff Demetric Di-az." Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

REQUEST FOR PRODUCTION NO. 3:

Please produce all DOCUMENTS, including (though not limited to) text messages, e-mails, notes, and memoranda, which RELATE to, refer to, or discuss Plaintiff Demetric Di-az.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous. Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE TO, reflect, refer or discuss Plaintiff Demetric Di-az." Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

REQUEST FOR PRODUCTION NO. 4:

Please produce all DOCUMENTS, including (though not limited to) text messages, e-mails, notes, and memoranda which RELATE to, refer to, or discuss Plaintiff Owen Diaz's job performance during his employment at the TESLA FACTORY. This includes, though is not limited to, performance reviews, written warnings, verbal warnings, demotions, suspensions, and terminations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase "Plaintiff Owen Diaz's job performance during his employment at the TESLA FACTORY." Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that

“RELATE to, reflect, refer to, or discuss Plaintiff Owen Diaz’s job performance.” Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

REQUEST FOR PRODUCTION NO. 5:

Please produce all DOCUMENTS, including (though not limited to) text messages, e-mails, notes, and memoranda which RELATE to, refer to, or discuss Plaintiff Demetric Di-az’s job performance during his employment at the TESLA FACTORY. This includes though is not limited to, performance reviews, written warnings, verbal warnings, demotions, suspensions, and terminations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “Plaintiff Demetric Di-az’s job performance during his employment at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to, refer to, or discuss Plaintiff Demetric Diaz’s job performance.” Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.

1 Defendant objects to this request to the extent it seeks the production of documents that are equally
 2 available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an
 3 employee of Defendant and this request is therefore inapplicable to Defendant. Discovery is
 4 continuing, and Defendant reserves its right to supplement its response to this request.

5 **REQUEST FOR PRODUCTION NO. 6:**

6 Please produce all DOCUMENTS, including (though not limited to) text messages, emails,
 7 notes, and memoranda which RELATE to any discussions about terminating Plaintiff Owen Diaz's
 8 employment at the TESLA FACTORY.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

10 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 11 vague and ambiguous, including, but not limited to, its use of the phrase "discussions about
 12 terminating Plaintiff Owen Diaz's employment at the TESLA FACTORY." Defendant further
 13 objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 14 documents not relevant to any party's claims or defenses or that are not proportional to the needs
 15 of this case, especially given that this request seeks the production of all documents, without
 16 limitation, that "RELATE to any discussions about terminating Plaintiff Owen Diaz's employment
 17 at the TESLA FACTORY." Defendant objects to this request to the extent it seeks the production
 18 of electronically stored information (including, but not limited to emails, texts and meta-data) as
 19 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 20 Defendant also objects to this request to the extent that it seeks documents protected by the
 21 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,
 22 or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production
 23 of documents that are equally available to Plaintiff. Defendant objects to this request on the
 24 grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable
 25 to Defendant.

26 **REQUEST FOR PRODUCTION NO. 7:**

27 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
 28 notes, and memoranda which reflect, evidence, or RELATE to any complaints about Plaintiff

Owen Diaz's "poor attitude" during his employment at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase "Plaintiff Owen Diaz's 'poor attitude' during his employment at the TESLA FACTORY." Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE to any complaints about Plaintiff Owen Diaz's "poor attitude" during his employment at the TESLA FACTORY." Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

REQUEST FOR PRODUCTION NO. 8:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Wayne Jackson regarding Plaintiff Owen Diaz.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase "any communications sent or received by Wayne Jackson regarding Plaintiff Owen Diaz." Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case,

1 especially given that this request seeks the production of all documents, without limitation, that
2 “RELATE to any communications sent or received by Wayne Jackson regarding Plaintiff Owen
3 Diaz.” Defendant objects to this request to the extent it seeks the production of electronically stored
4 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
5 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
6 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
7 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
8 Defendant objects to this request to the extent it seeks the production of documents that are equally
9 available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an
10 employee of Defendant and this request is therefore inapplicable to Defendant.

11 **REQUEST FOR PRODUCTION NO. 9:**

12 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
13 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or
14 received by Wayne Jackson regarding complaints of racial harassment at the TESLA FACTORY.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
17 vague and ambiguous, including, but not limited to, its use of the phrase “any communications
18 sent or received by Wayne Jackson regarding complaints of racial harassment at the TESLA
19 FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing
20 to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not
21 proportional to the needs of this case, especially given that this request seeks the production of all
22 documents, without limitation, that “RELATE to any communications sent or received by Wayne
23 Jackson regarding complaints of racial harassment at the TESLA FACTORY.” The request
24 impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case.
25 Defendant objects to this request to the extent it seeks the production of electronically stored
26 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
27 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
28 to this request to the extent that it seeks documents protected by the attorney-client privilege, the

attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 10:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Wayne Jackson regarding complaints of racial discrimination at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Wayne Jackson regarding complaints of racial discrimination.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Wayne Jackson regarding complaints of racial discrimination at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 11:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails

notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Wayne Jackson regarding complaints of retaliation at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Wayne Jackson regarding complaints of retaliation.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Wayne Jackson regarding complaints of retaliation at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 12:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Wayne Jackson regarding the use of racial slurs, including (though not limited to) “nigga,” “nigger,” and “ninga,” at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Wayne Jackson regarding the use of racial slurs, including (though not limited

to) ‘nigga,’ ‘nigger,’ and ‘ninga’.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Wayne Jackson regarding the use of racial slurs, including (though not limited to) ‘nigga,’ ‘nigger,’ and ‘ninga,’ at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 13:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Wayne Jackson regarding any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present. (For the purposes of responding to this interrogatory, the phrase “racist graffiti” includes, though is not limited to, stylized, “golliwog”-, “pickaninny”-, or “sambo”-type depictions of African-American individuals; nooses; swastikas; the phrase “white power”; references slavery or slave labor; and racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga.”)

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Wayne Jackson regarding any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present.” Defendant further objects to this request as

1 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any
 2 party's claims or defenses or that are not proportional to the needs of this case, especially given
 3 that this request seeks the production of all documents, without limitation, that "RELATE to any
 4 communications sent or received by Wayne Jackson regarding complaints of retaliation at the
 5 TESLA FACTORY." The request impermissibly seeks "me too" evidence that is not relevant to
 6 the claims and defenses in this case. Defendant objects to this request to the extent it seeks the
 7 production of electronically stored information (including, but not limited to emails, texts and
 8 meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims
 9 in this action. Defendant also objects to this request to the extent that it seeks documents protected
 10 by the attorney-client privilege, the attorney work product doctrine and/or other privileges,
 11 protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for
 12 documents that are protected from disclosure by third party privacy rights under the Federal and
 13 California constitutions and applicable statutes.

14 **REQUEST FOR PRODUCTION NO. 14:**

15 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
 16 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or
 17 received by Terri Garrett regarding Plaintiff Owen Diaz.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

19 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 20 vague and ambiguous, including, but not limited to, its use of the phrase "any communications
 21 sent or received by Terri Garrett regarding Plaintiff Owen Diaz." Defendant further objects to this
 22 request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant
 23 to any party's claims or defenses or that are not proportional to the needs of this case, especially
 24 given that this request seeks the production of all documents, without limitation, that "RELATE
 25 to any communications sent or received by Terri Garrett regarding Plaintiff Owen Diaz."
 26 Defendant objects to this request to the extent it seeks the production of electronically stored
 27 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
 28 oppressive in the context of and in proportion to the claims in this action. Defendant also objects

1 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
 2 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
 3 Defendant objects to this request to the extent it seeks the production of documents that are equally
 4 available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an
 5 employee of Defendant and this request is therefore inapplicable to Defendant.

6 **REQUEST FOR PRODUCTION NO. 15:**

7 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
 8 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or
 9 received by Terri Garrett regarding complaints of racial harassment at the TESLA FACTORY.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

11 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 12 vague and ambiguous, including, but not limited to, its use of the phrase “any communications
 13 sent or received by Terri Garrett regarding complaints of racial harassment.” Defendant further
 14 objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 15 documents not relevant to any party’s claims or defenses or that are not proportional to the needs
 16 of this case, especially given that this request seeks the production of all documents, without
 17 limitation, that “RELATE to any communications sent or received by Terri Garrett regarding
 18 complaints of racial harassment at the TESLA FACTORY.” The request impermissibly seeks “me
 19 too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this
 20 request to the extent it seeks the production of electronically stored information (including, but not
 21 limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and
 22 in proportion to the claims in this action. Defendant also objects to this request to the extent that it
 23 seeks documents protected by the attorney-client privilege, the attorney work product doctrine
 24 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request
 25 to the extent it calls for documents that are protected from disclosure by third party privacy rights
 26 under the Federal and California constitutions and applicable statutes.

27 **REQUEST FOR PRODUCTION NO. 16:**

28 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
 44

1 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or
2 received by Terri Garrett regarding complaints of racial discrimination at the TESLA FACTORY.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

4 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
5 vague and ambiguous, including, but not limited to, its use of the phrase “any communications
6 sent or received by Terri Garrett regarding complaints of racial discrimination.” Defendant further
7 objects to this request as burdensome, oppressive and harassing to the extent that it seeks
8 documents not relevant to any party’s claims or defenses or that are not proportional to the needs
9 of this case, especially given that this request seeks the production of all documents, without
10 limitation, that “RELATE to any communications sent or received by Terri Garrett regarding
11 complaints of racial discrimination at the TESLA FACTORY.” The request impermissibly seeks
12 “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to
13 this request to the extent it seeks the production of electronically stored information (including,
14 but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context
15 of and in proportion to the claims in this action. Defendant also objects to this request to the extent
16 that it seeks documents protected by the attorney-client privilege, the attorney work product
17 doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to
18 this request to the extent it calls for documents that are protected from disclosure by third party
19 privacy rights under the Federal and California constitutions and applicable statutes.

20 **REQUEST FOR PRODUCTION NO. 17:**

21 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
22 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or
23 received by Terri Garrett regarding complaints of retaliation at the TESLA FACTORY.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

25 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
26 vague and ambiguous, including, but not limited to, its use of the phrase “any communications
27 sent or received by Terri Garrett regarding complaints of retaliation.” Defendant further objects
28 to this request as burdensome, oppressive and harassing to the extent that it seeks documents not

relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE to any communications sent or received by Terri Garrett regarding complaints of retaliation at the TESLA FACTORY." The request impermissibly seeks "me too" evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 18:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Terri Garrett regarding the use of racial slurs, including (though not limited to) "nigga," "nigger," and "ninga," at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase "any communications sent or received by Terri Garrett regarding the use of racial slurs, including (though not limited to) 'nigga,' 'nigger,' and 'ninga.'" Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE to any communications sent or received by Terri Garrett regarding the use of racial slurs, including (though not limited to) 'nigga,' 'nigger,' and 'ninga,' at the TESLA FACTORY." The request impermissibly seeks "me too" evidence that is not relevant to the claims and defenses in this case. Defendant objects to this

request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 19:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Terri Garrett regarding any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present. (For the purposes of responding to this interrogatory, the phrase “racist graffiti” includes, though is not limited to, stylized, “golliwog”-, “pickaninny”-, or “sambo”-type depictions of African-American individuals; nooses; swastikas; the phrase “white power”; references to slavery or slave labor; and racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga.”)

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Terri Garrett regarding any complaints of racist graffiti in the restrooms.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Terri Garrett regarding any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and

meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 20:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Nancy Uhlenbrock regarding Plaintiff Owen Diaz.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Nancy Uhlenbrock regarding Plaintiff Owen Diaz.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding Plaintiff Owen Diaz.” Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

REQUEST FOR PRODUCTION NO. 21:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails

1 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or
2 received by Nancy Uhlenbrock regarding complaints of racial harassment at the TESLA
3 FACTORY.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

5 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
6 vague and ambiguous, including, but not limited to, its use of the phrase “any communications
7 sent or received by Nancy Uhlenbrock regarding complaints of racial harassment.” Defendant
8 further objects to this request as burdensome, oppressive and harassing to the extent that it seeks
9 documents not relevant to any party’s claims or defenses or that are not proportional to the needs
10 of this case, especially given that this request seeks the production of all documents, without
11 limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding
12 complaints of racial harassment.” The request impermissibly seeks “me too” evidence that is not
13 relevant to the claims and defenses in this case. Defendant objects to this request to the extent it
14 seeks the production of electronically stored information (including, but not limited to emails, texts
15 and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the
16 claims in this action. Defendant also objects to this request to the extent that it seeks documents
17 protected by the attorney-client privilege, the attorney work product doctrine and/or other
18 privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent
19 it calls for documents that are protected from disclosure by third party privacy rights under the
20 Federal and California constitutions and applicable statutes.

21 **REQUEST FOR PRODUCTION NO. 22:**

22 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
23 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or
24 received by Nancy Uhlenbrock regarding complaints of racial discrimination at the TESLA
25 FACTORY.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

27 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
28 vague and ambiguous, including, but not limited to, its use of the phrase “any communications

sent or received by Nancy Uhlenbrock regarding complaints of racial discrimination.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding complaints of racial discrimination at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 23:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Nancy Uhlenbrock regarding complaints of retaliation at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Nancy Uhlenbrock regarding complaints of retaliation.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding complaints of retaliation at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this

request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 24:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Nancy Uhlenbrock regarding the use of racial slurs, including (though not limited to) “nigga,” “nigger,” and “ninga,” at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Nancy Uhlenbrock regarding the use of racial slurs, including (though not limited to) ‘nigga,’ ‘nigger,’ and ‘ninga.’” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding the use of racial slurs, including (though not limited to) ‘nigga,’ ‘nigger,’ and ‘ninga’ at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.

Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 25:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Nancy Uhlenbrock regarding any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present. (For the purposes of responding to this interrogatory, the phrase “racist graffiti” includes, though is not limited to, stylized, “golliwog”-, “pickaninny”-, or “sambo”-type depictions of African-American individuals; nooses; swastikas; the phrase “white power”; reference to slavery or slave labor; and racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga.”)

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Nancy Uhlenbrock regarding any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant

1 objects to this request to the extent it calls for documents that are protected from disclosure by
2 third party privacy rights under the Federal and California constitutions and applicable statutes.

3 **REQUEST FOR PRODUCTION NO. 26:**

4 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
5 notes, and memoranda which reflect, evidence, or RELATE to any complaints of Ramon Martinez
6 racially harassing employees at the TESLA FACTORY.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

8 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
9 vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of Ramon
10 Martinez racially harassing employees.” Defendant further objects to this request as burdensome,
11 oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims
12 or defenses or that are not proportional to the needs of this case, especially given that this request
13 seeks the production of all documents, without limitation, that “RELATE to any complaints of
14 Ramon Martinez racially harassing employees at the TESLA FACTORY.” The request
15 impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case.
16 Defendant objects to this request to the extent it seeks the production of electronically stored
17 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
18 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
19 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
20 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
21 Defendant objects to this request to the extent it calls for documents that are protected from
22 disclosure by third party privacy rights under the Federal and California constitutions and
23 applicable statutes.

24 **REQUEST FOR PRODUCTION NO. 27:**

25 Please produce all DOCUMENTS, including (though not limited to) text messages, emails,
26 notes, and memoranda which reflect, evidence, or RELATE TO any investigations into complaints
27 of Ramon Martinez racially harassing employees at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of Ramon Martinez racially harassing employees.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE TO any investigations into complaints of Ramon Martinez racially harassing employees at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 28:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of Judy Timbreza racially harassing employees at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of Judy Timbreza racially harassing employees.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of

1 Judy Timbreza racially harassing employees at the TESLA FACTORY.” The request
2 impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case.
3 Defendant objects to this request to the extent it seeks the production of electronically stored
4 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and
5 oppressive in the context of and in proportion to the claims in this action. Defendant also objects
6 to this request to the extent that it seeks documents protected by the attorney-client privilege, the
7 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.
8 Defendant objects to this request to the extent it calls for documents that are protected from
9 disclosure by third party privacy rights under the Federal and California constitutions and
10 applicable statutes.

11 **REQUEST FOR PRODUCTION NO. 29:**

12 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
13 notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints
14 of Judy Timbreza racially harassing employees at the TESLA FACTORY.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
17 vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into
18 complaints of Judy Timbreza racially harassing employees.” Defendant further objects to this
19 request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant
20 to any party’s claims or defenses or that are not proportional to the needs of this case, especially
21 given that this request seeks the production of all documents, without limitation, that “RELATE
22 to any investigations into complaints of Judy Timbreza racially harassing employees at the TESLA
23 FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims
24 and defenses in this case. Defendant objects to this request to the extent it seeks the production of
25 electronically stored information (including, but not limited to emails, texts and meta-data) as
26 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
27 Defendant also objects to this request to the extent that it seeks documents protected by the
28 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,

or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 30:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of Judy Timbreza using racial slurs, including, though not limited to, “nigger,” “nigga,” or “ninga,” at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of Judy Timbreza using racial slurs, including, though not limited to, ‘nigger,’ ‘nigga,’ or ‘ninga.’” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of Judy Timbreza using racial slurs, including, though not limited to, ‘nigger,’ ‘nigga,’ or ‘ninga,’ at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 31:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails

notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of Judy Timbreza using racial slurs, including, though not limited to, “nigger,” “nigga,” or “ninga,” at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of Judy Timbreza using racial slurs, including, though not limited to, ‘nigger,’ ‘nigga,’ or ‘ninga.’” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of Judy Timbreza using racial slurs, including, though not limited to, ‘nigger,’ ‘nigga,’ or ‘ninga,’ at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 32:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of Robert Hidalgo racially harassing employees at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of Robert

Hidalgo racially harassing employees.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of Robert Hidalgo racially harassing employees at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 33:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of Robert Hidalgo racially harassing employees at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “to any investigations into complaints of Robert Hidalgo racially harassing employees.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of Robert Hidalgo racially harassing employees at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the

1 production of electronically stored information (including, but not limited to emails, texts and
 2 meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims
 3 in this action. Defendant also objects to this request to the extent that it seeks documents protected
 4 by the attorney-client privilege, the attorney work product doctrine and/or other privileges,
 5 protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for
 6 documents that are protected from disclosure by third party privacy rights under the Federal and
 7 California constitutions and applicable statutes.

8 **REQUEST FOR PRODUCTION NO. 34:**

9 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
 10 notes, and memoranda which reflect, evidence, or RELATE to any complaints of Robert Hidalgo
 11 using racial slurs, including though not limited to “nigger,” “nigga,” or “ninga,” at the TESLA
 12 FACTORY.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

14 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 15 vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of Robert
 16 Hidalgo using racial slurs, including though not limited to ‘nigger,’ ‘nigga,’ or ‘ninga.’” Defendant
 17 further objects to this request as burdensome, oppressive and harassing to the extent that it seeks
 18 documents not relevant to any party’s claims or defenses or that are not proportional to the needs
 19 of this case, especially given that this request seeks the production of all documents, without
 20 limitation, that “RELATE to any complaints of Robert Hidalgo using racial slurs, including though
 21 not limited to ‘nigger,’ ‘nigga,’ or ‘ninga,’ at the TESLA FACTORY.” The request impermissibly
 22 seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant
 23 objects to this request to the extent it seeks the production of electronically stored information
 24 (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in
 25 the context of and in proportion to the claims in this action. Defendant also objects to this request
 26 to the extent that it seeks documents protected by the attorney-client privilege, the attorney work
 27 product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant
 28 objects to this request to the extent it calls for documents that are protected from disclosure by

third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 35:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of Robert Hidalgo using racial slurs, including though not limited to “nigger,” “nigga,” or “ninga,” at the TESLA FACTORY.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of Robert Hidalgo using racial slurs, including though not limited to ‘nigger,’ ‘nigga,’ or ‘ninga’.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of Robert Hidalgo using racial slurs, including though not limited to ‘nigger,’ ‘nigga,’ or ‘ninga,’ at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 36:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of racial harassment at the TESLA FACTORY from 2010 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of racial harassment at the TESLA FACTORY from 2010 to the present.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of racial harassment at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 37:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of racial harassment at the TESLA FACTORY from 2010 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of racial harassment at the TESLA FACTORY from 2010 to the present.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without

1 limitation, that “RELATE to any investigations into complaints of racial harassment at the TESLA
 2 FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is
 3 not relevant to the claims and defenses in this case. Defendant objects to this request to the extent
 4 it seeks the production of electronically stored information (including, but not limited to emails,
 5 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 6 the claims in this action. Defendant also objects to this request to the extent that it seeks documents
 7 protected by the attorney-client privilege, the attorney work product doctrine and/or other
 8 privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent
 9 it calls for documents that are protected from disclosure by third party privacy rights under the
 10 Federal and California constitutions and applicable statutes.

11 **REQUEST FOR PRODUCTION NO. 38:**

12 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
 13 notes, and memoranda which reflect, evidence, or RELATE to any complaints of racial
 14 discrimination at the TESLA FACTORY from 2010 to the present.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 17 vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of racial
 18 discrimination at the TESLA FACTORY from 2010 to the present.” Defendant further objects to
 19 this request as burdensome, oppressive and harassing to the extent that it seeks documents not
 20 relevant to any party’s claims or defenses or that are not proportional to the needs of this case,
 21 especially given that this request seeks the production of all documents, without limitation, that
 22 “RELATE to any complaints of racial discrimination at the TESLA FACTORY from 2010 to the
 23 present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and
 24 defenses in this case. Defendant objects to this request to the extent it seeks the production of
 25 electronically stored information (including, but not limited to emails, texts and meta-data) as
 26 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.
 27 Defendant also objects to this request to the extent that it seeks documents protected by the
 28 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,

or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 39:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of racial discrimination at the TESLA FACTORY from 2010 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of racial discrimination at the TESLA FACTORY from 2010 to the present.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of racial discrimination at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 40:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of racial harassment at the TESLA FACTORY made by Michael Wheeler.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of racial harassment at the TESLA FACTORY made by Michael Wheeler.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of racial harassment at the TESLA FACTORY made by Michael Wheeler.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 41:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of racial harassment at the TESLA FACTORY made by Michael Wheeler.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of racial harassment at the TESLA FACTORY made by Michael Wheeler.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without

1 limitation, that “RELATE to any investigations into complaints of racial harassment at the TESLA
 2 FACTORY made by Michael Wheeler.” The request impermissibly seeks “me too” evidence that
 3 is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent
 4 it seeks the production of electronically stored information (including, but not limited to emails,
 5 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to
 6 the claims in this action. Defendant also objects to this request to the extent that it seeks documents
 7 protected by the attorney-client privilege, the attorney work product doctrine and/or other
 8 privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent
 9 it calls for documents that are protected from disclosure by third party privacy rights under the
 10 Federal and California constitutions and applicable statutes.

11 **REQUEST FOR PRODUCTION NO. 42:**

12 Please produce all DOCUMENTS, including (though not limited to) text messages, emails
 13 notes, and memoranda which reflect, evidence, or RELATE to any complaints of racial harassment
 14 at the TESLA FACTORY made by Plaintiff Owen Diaz.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,
 17 vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of racial
 18 harassment at the TESLA FACTORY.” Defendant further objects to this request as burdensome,
 19 oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims
 20 or defenses or that are not proportional to the needs of this case, especially given that this request
 21 seeks the production of all documents, without limitation, that “RELATE to any complaints of
 22 racial harassment at the TESLA FACTORY made by Plaintiff Owen Diaz.” Defendant objects to
 23 this request to the extent it seeks the production of electronically stored information (including,
 24 but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context
 25 of and in proportion to the claims in this action. Defendant also objects to this request to the extent
 26 that it seeks documents protected by the attorney-client privilege, the attorney work product
 27 doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to
 28 this request to the extent it seeks the production of documents that are equally available to Plaintiff.

Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

REQUEST FOR PRODUCTION NO. 43:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of racial harassment at the TESLA FACTORY made by Plaintiff Owen Diaz.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of racial harassment at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of racial harassment at the TESLA FACTORY made by Plaintiff Owen Diaz.” Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

REQUEST FOR PRODUCTION NO. 44:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present. (For the purposes of responding to this interrogatory, the phrase “racist graffiti” includes, though is not limited to, stylized,

“golliwog”-, “pickaninny”-, or “sambo”-type depictions of African-American individuals; nooses; swastikas; the phrase “white power”; reference to slavery or slave labor; and racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga.”)

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of racist graffiti in the restrooms at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 45:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present. (For the purposes of responding to this interrogatory, the phrase “racist graffiti” includes, though is not limited to, stylized, “golliwog”-, “pickaninny”-, or “sambo”-type depictions of African-American individuals; nooses; swastikas; the phrase “white power”; references to slavery or slave labor; and racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga.”)

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of racist graffiti in the restrooms at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 46:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY from 2010 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or

that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 47:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY from 2010 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

Objection. Defendant objects to this requests as burdensome, oppressive and harassing as it is duplicative of Request No. 46. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too”

evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 48:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY from 2010 to the present day.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY from 2010 to the present day.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights

under the Federal and California constitutions and applicable statutes.

REQUEST FOR PRODUCTION NO. 49:

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY from 2010 to the present day.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

Objection. Defendant objects to this requests as burdensome, oppressive and harassing as it is duplicative of Request No. 48. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY from 2010 to the present day.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

DATE: June 13, 2019

FISHER & PHILLIPS LLP

By: 

Jason A. Geller

Juan C. Araneda

Vincent J. Adams

Attorneys for Defendant nextSource, Inc.

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CERTIFICATE OF SERVICE

I, the undersigned, am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; am employed with the law offices of Fisher & Phillips LLP and my business address is One Embarcadero Center, Suite 2050, San Francisco, California 94111.

On June 13, 2019, I served **DEFENDANT NEXTSOURCE, INC.'S OBJECTIONS TO PLAINTIFFS' FIRST AMENDED NOTICE OF VIDEOTAPED DEPOSITION OF NEXTSOURCE, INC.'S PERSON MOST KNOWLEDGEABLE PURSUANT TO FED. R. CIV. P. 30(b)(6); AND REQUEST FOR PRODUCTION OF DOCUMENTS** on all appearing and/or interested parties as follows:

Lawrence A. Organ
Navruz Avloni
California Civil Rights Law Group
332 San Anselmo Avenue
San Anselmo, CA 94960

Attorneys for Plaintiffs
DEMETRIC DI-AZ, OWEN DIAZ and
LAMAR PATTERSON

Tel.: (415) 453-4740
Fax: (415) 785-7352
Email: larry@civilrightsca.com
navruz@civilrightsca.com

☒ **[By messenger service.]** I served the document(s) by placing it/them in envelopes or packages addressed to the persons at the addresses listed above and providing them to a professional messenger for service.

☒ **FEDERAL** - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 13, 2019, at San Francisco, California.

/s/ Catherine Schmitz
Catherine Schmitz

CERTIFICATE OF SERVICE

I, the undersigned, am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; am employed with the law offices of Fisher & Phillips LLP and my business address is One Embarcadero Center, Suite 2050, San Francisco, California 94111.

On June 13, 2019, I served **DEFENDANT NEXTSOURCE, INC.'S OBJECTIONS TO PLAINTIFFS' FIRST AMENDED NOTICE OF VIDEOTAPED DEPOSITION OF NEXTSOURCE, INC.'S PERSON MOST KNOWLEDGEABLE PURSUANT TO FED. R. CIV. P. 30(b)(6); AND REQUEST FOR PRODUCTION OF DOCUMENTS** on all appearing and/or interested parties as follows:

Tracey A. Kennedy Sheppard, Mullin, Richter & Hampton LLP 333 South Hope Street, 43rd Floor Los Angeles, CA 90071	<i>Attorneys for Defendant</i> <i>TESLA, INC. dba TESLA MOTORS, INC.</i> Tel.: (213) 620-1780 Fax: (213) 620-1398 Email: tkennedy@sheppardmullin.com
Patricia M. Jeng Reanne Swafford-Harris Sheppard, Mullin, Richter & Hampton LLP Four Embarcadero Center, 17th Floor San Francisco, CA 94111	<i>Attorneys for Defendant</i> <i>TESLA, INC. dba TESLA MOTORS, INC.</i> Tel.: (415) 434-9100 Fax: (415) 434-3947 Email: pjeng@sheppardmullin.com rswofford-harris@sheppardmullin.com
Gary T. Lafayette Cheryl A. Stevens Lafayette & Kumagai 1300 Clay Street, Suite 810 Oakland, CA 94612	<i>Attorneys for Defendant</i> <i>CITISTAFF SOLUTIONS</i> Tel.: (415) 357-4600 glafayette@lkclaw.com cstevens@lkclaaw.com
Fenn C. Horton, III Helene Anastasia Simvoulakis Pahl & McKay 225 West Santa Clara Street, Suite 1500 San Jose, CA 95113	<i>Attorneys for Defendant</i> <i>WEST VALLEY STAFFING GROUP</i> fhorton@pahl-mccay.com hsimvoulakis@pahl-mccay.com

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☒ **[by MAIL]** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing this affidavit.

☐ **[By Electronic Submission.]** I served the above listed document(s) described via the United States District Court's Electronic Filing Program on the designated recipients via electronic transmission through the CM/ECF system on the Court's website. The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document(s). Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities.

☒ **FEDERAL** - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 13, 2019, at San Francisco, California.

/s/ Catherine Schmitz
 Catherine Schmitz